

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Miscellaneous Appeal No. 1662/2025

Icici Lombard General Insurance Co. Ltd., Through Branch Manager, Icici Lombard House 414, Veer Sawarkar Maarg, Prabhadevi Near Siddhi Vinayak Temple, Mumbai.

-----Appellant

Versus

1. Kamla Devi W/o Rameshchandra, Aged About 40 Years, R/o 138 Pratap Nagar, Near College, Balaji Nagar Station Road, Kuchaman City, Tehsil Kuchaman City, District Nagaur (Raj), Present Address Ward No.24, Nagarpalika Losal, Tehsil Dataramgarh, District Sikar, Raj
2. Premchand S/o Rameshchandra, Aged About 20 Years, R/o 138 Pratap Nagar, Near College, Balaji Nagar Station Road, Kuchaman City, Tehsil Kuchaman City, District Nagaur(Raj), Present Address Ward No.24, Nagarpalika Losal, Tehsil Dataramgarh, District Sikar, Raj
3. Pooja D/o Rameshchandra, Aged About 18 Years, R/o 138 Pratap Nagar, Near College, Balaji Nagar Station Road, Kuchaman City, Tehsil Kuchaman City, District Nagaur(Raj), Present Address Ward No.24, Nagarpalika Losal, Tehsil Dataramgarh, District Sikar, Raj
4. Amit S/o Late Rameshchandra, Aged About 10 Years, Through Natural Guardian And Mother Kamla Devi W/o Late Rameshchandra, R/o 138 Pratap Nagar, Near College, Balaji Nagar Station Road, Kuchaman City, Tehsil Kuchaman City, District Nagaur(Raj), Present Address Ward No.24, Nagarpalika Losal, Tehsil Dataramgarh, District Sikar, Raj
5. Surajkaran Vyas S/o Sukhdev Vyas, Aged About 49 Years, 49 Towards Brahmino Ka Baas, Tehsil Bhinaay, District Ajmer (Raj.). (Registered Owner Of Vehicle No. Rj-01-Cb-0335)
6. Rajkumar Kumawat S/o Shri Ghanshyam Kumawat, Near Kuchaman College, Station Road, Kuchaman City, Tehsil Kuchaman City, District Nagaur (Raj.) (Current Owner Of Vehicle No. Rj-01-Cb-0335)

-----Respondents

For Appellant(s) : Mr. Ayush Goyal for Mr. Vinay Kothari.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/04/2026

1. It is contended by learned counsel for the appellant-Insurance Company that the employer-employee relationship has not been established on record and the age of the deceased has been wrongly assessed by the learned Tribunal.
2. The matter requires consideration.

3. Issue notice. Issue notice of stay application also.
4. List after eight weeks.
5. Meanwhile, effect and operation of the impugned judgment and award dated 06.12.2024 passed by the learned Commissioner, Workmens' Compensation Act, 1923, Nagaur in Claim Case No. ECA (F) 21/2017 shall remain stayed qua the appellant subject to the condition that the appellant-insurance company deposits 50% of the amount (with interest) awarded by the Tribunal vide award dated 06.12.2024 within a period of eight weeks.
6. The deposited amount may be disbursed to the respondents-claimants in the manner and proportion as contemplated in the impugned judgment and award with the undertaking that if the appellant-insurance company succeeds, they shall refund the same along with interest in accordance with law.
7. It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.
8. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondent.
9. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimant(s) shall be free to proceed with the execution of the impugned award.

(MUKESH RAJPUROHIT),J